

PRELIMINARY AMENDMENT WITH RESPONSE TO RESTRICTION REQUIREMENT
USSN 09/986,554

REMARKS

In response to the Restriction Requirement, dated June 27, 2005, Applicant provisionally elects, with traverse, Group I, to which claims 1 and 11 are identified by the Examiner.

MPEP § 803 provides that if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits. In the Office Action, the examiner indicates that the claims of Groups I and II are classified in separate classes.

Notwithstanding the manner in which subject matter may be classified in the USPTO for search purposes, which in any event is not determinative of dependent and distinct inventions within the Statute or the Rules, the claims of Groups I and II are so inextricably interrelated that either group of claims cannot be comprehensively examined without also searching those areas in which the other group is classified. The claims of Group I and claims 2-10 and 12-20 of Group II are drawn to an ordering method.

Moreover, the Examiner has not established that a serious burden would be imposed by examining claims 1-20 together. For instance, the Examiner states that Group I is “drawn to displaying sales information” and subsequently states that Group II “has a separate utility, such as displaying sales information.” Further, each of the independent claims 1, 2, 5, 8, 11, 12, 15 and 18 recite “displaying the transmitted sales information”. Thus, the Examiner has not demonstrated a separate utility of the alleged groups. Accordingly, examination of claims 1-20 is requested.

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Applicant reserves the right to file a Divisional Application directed to the non-elected claims.

Applicant submits herewith a Preliminary Amendment, in which claims 2, 5, 8, 12, 15 and 18 are amended. Amendments to the specification are also provided. No new matter is presented. Therefore, entry and consideration of the Preliminary Amendment is requested.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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